IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

Bail Appl..No. 2268 of 2007()

(CRIME NO.255/2007 OF PATHANAMTHITTA POLICE STATION)

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PETITIONERS/ACCUSED NO. 1 TO 9:

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1. SURES, S/O. SREEDHARAN NAIR,
   AGED 40, CHERUKUNNATHU HOUSE, MALAYALAPUZHA.

2. ANEESH, S/O. SURESH,
   AGED 20 YEARS, CHERUKUNNATHU HOUSE, MALAYALAPUZHA.

3. MANU PRASAD, S/O. SOMAN NAIR,
   AGED 22 YEARS, DEVI VILASOM, MALAYALAPUZHA.

4. SHINE, S/O. KUTTAN PILLAI,
   AGED 32 YEARS, DEVI VILASOM, MALAYALAPUZHA.

5. BIJU, AGED 34 YEARS,
   S/O. VIJAYAN, MANPILAVIL VEEDU, MALAYALAPUZHA.

6. MANOJ, AGED 20 YEARS,
   S/O. JOSE, PADITHATTINKARA HOUSE,
   SEETHATHODE.

7. RAJESH, AGED 20 YEARS, S/O. BHASKARAN,
   KONNARMOOTTIL HOUSE, NEELIPLAVU, KATTACHIRA.

8. RATHEESH, AGED 20 YEARS, S/O. RAMESH,
   MANPILAVIL HOUSE, MALAYALAPPUZHA.

9. SUDHEER, AGED 35 YEARS,
   S/O. BASHEER, KUMBAZHA ESTATE, KURUMPATTY DIVISION
   MALAYALAPPUZHA.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
PATHANAMTHITTA POLICE STATION
(CRIME NO. 255 OF 2007), REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2268/2007

Dated this 13th day of April, 2007

O R D E R

The petitioners, who are accused Nos. 1 to 9 in Crime No.255/2007 of Pathanamthitta police station for offences punishable under Sections 143, 147, 148, 452, 324 and 354 IPC read with Section 149 IPC, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 8.30 p.m on 19.3.2007, the petitioners armed with deadly weapons like sword, stick etc, criminally trespassed upon the house of the defacto complainant and attacked him and his wife, as a result of which the defacto complainant sustained injuries.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for the purpose of interrogation and then to have their application for bail considered by the Magistrate having jurisdiction. Accordingly, the petitioners shall surrender before the investigating officer on any day between 19-4-2007 and 21-04-

2007 for the purpose of interrogation and recovery of incriminating material, if any. The petitioners shall thereafter be produced on the same day before the Magistrate who shall consider their applications for regular bail preferably on the same date on which such applications are filed.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs